

Congress of the United States

House of Representatives

Washington, DC 20515-2207

August 6, 2010

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Secretary:

On July 28, 2010, an announcement by Enbridge, Inc. of a restart of the pipeline, prompted the Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) to issue a Corrective Action Order (CAO) to Enbridge Energy Partners requiring the pipeline operator to take certain corrective actions with respect to their hazardous liquid pipeline in connection with the July 26, 2010, rupture near Marshall, Michigan. The rupture resulted in an estimated spill of more than one million gallons of crude oil.

The CAO states that, without corrective measures, the pipeline would be hazardous to life, property, and the environment. Additionally, it states:

"After considering the age of the pipe, circumstances surrounding the failure, the proximity of the pipeline to populated areas, public roadways, and high consequence areas, the hazardous nature of the product the pipeline transports, the pressure required for transporting the material, the uncertainties as to the cause of the failure, and the ongoing investigation to determine the cause of the failure, [PHMSA] finds that a failure to issue this Order expeditiously to require immediate corrective action would result in likely serious harm to life, property, and the environment."

As a result, the CAO requires Enbridge to: develop and submit a written restart plan for approval by the Director of PHMSA's Central Region, prior to resuming operation of the pipeline segment running from Marshall Station to the Stockbridge Station; repair and replace the ruptured pipeline; verify adequate cathodic protection for the area where the failure occurred; perform incremental start-up in 25% pressure increments with each increment to be held for at least an hour; maintain a 20% pressure reduction in the operating pressure of the line; and submit an integrity verification and remedial work plan to PHMSA within the next 60 days. That plan essentially requires Enbridge to write reports on the failure history of the pipeline – much of which PHMSA is already aware of – evaluate the condition of the pipeline, and describe how any defects will be evaluated and scheduled for repair.

In my view, it is time for DOT to move past requiring Enbridge to develop more plans for remediation and repair and start requiring immediate action. The condition of this pipeline, in general, has been a concern for PHMSA for some time. In 2007 and 2009, Enbridge identified numerous anomalies on the line, which according to PHMSA personnel are in somewhat close proximity to the rupture; few of those anomalies have been repaired. PHMSA has responded by issuing warnings to Enbridge, conducting further inspections of the pipeline, and holding meetings to urge action by Enbridge. In fact, since June 2009, Enbridge has been operating at a 20% pressure reduction in the operating pressure of the line to enable them time to address those anomalies either through repair or replacement. On July 17, 2010, Enbridge notified PHMSA that it had exceeded the maximum time (one year) allowable under existing regulations for maintaining the pipeline at lower pressure and requested that PHMSA extend their allowable timeframe for completing repairs or remediation on the line another two and one-half years.

I have serious concerns about the integrity of this pipeline given the number of repairs/replacements needed on the line, and the failure of Enbridge to address those repairs/replacements in a timely manner prior to this incident. Although the recent rupture is still under investigation, given the documented history of this line, I have no confidence that the company's compliance with the CAO would prove sufficient to protect the public from another serious failure in the line. The safety and health of the citizens in my district and within the State of Michigan are of paramount importance to me. Therefore, I write to request that **before any restart plan is approved** by the DOT that you provide me with your personal assurance of the safety of this pipeline and a commitment that, at a minimum, the following actions will be taken prior to a restart of the line (in addition to the requirements outlined in the CAO):

The restart plan submitted by Enbridge for review and approval by PHMSA will be made available to the public, which will be provided a reasonable amount of time to review the plan;

A public meeting will be held in the area impacted by the rupture, at which time Enbridge will be required to describe the plan and the public will be provided the opportunity to comment on the plan and ask any questions of Enbridge and Federal safety regulators;

Enbridge will be required to conduct a full assessment of the condition of the entire Line 6B pipeline, not just the ruptured section;

Enbridge will be required to repair (or replace, as appropriate) all anomalies identified by the assessment described above, as well as all of the anomalies identified in the assessments conducted by Enbridge in 2007 and 2009 which still are yet to be repaired;

Enbridge will provide details (in writing) on the locations of any identified anomalies, the cause of those anomalies, and any repairs/replacements made to PHMSA.

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PHMSA will conduct a thorough physical inspection of the pipeline and related Enbridge assets, and verify the results of the assessment(s) described above and that all repairs or replacements were, in fact, made by Enbridge;

PHMSA will verify that corrosion control monitoring and leak detection equipment are operating on the line and are sufficient to detect corrosion or any leaks that may occur in the future.

PHMSA will verify that Enbridge's control center and leak detection systems are adequate to instantaneously detect a leak of any size and that its response plans are adequate to protect the public safety and avoid environmental impacts.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Schauer". The signature is fluid and cursive, with the first name "Mark" and last name "Schauer" clearly distinguishable.

Mark Schauer
Member of Congress